

CLEAN WATER ACT2-15-B. Administrative Determinations Regarding the Obtaining of Penalties for Spills

1. AUTHORITY. To perform the administrative functions which are the responsibility of the Environmental Protection Agency under Section II of the Memorandum of Agreement dated August 15, 1979 between the Agency and the U.S. Coast Guard. This includes the authority to determine that it is appropriate to initiate a civil judicial penalty action for the discharge of oil or hazardous substances into or upon the navigable waters of the United States.
2. TO WHOM DELEGATED. Director, Hazardous Site Cleanup Division (HSCD), in accordance with the provisions of the Memorandum of Agreement.
3. LIMITATION. The Director HSCD must consult with the Regional Counsel or his/her delegatee prior to exercising these authorities.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES.
 - a. Memorandum of Agreement between the Environmental Protection Agency and the U.S. Coast Guard concerning the Assessment of Civil Penalties for Discharge of Oil and Designated Hazardous Substances dated August 15, 1979 and published in the Federal Register, August 29, 1979, at 44 FR 50785.
 - b. Section 309 and 311 of the Clean Water Act (CWA).
 - c. For referral of the corresponding civil judicial actions to the Department of Justice, see Chapter 2 delegation entitled "Civil Judicial Enforcement Actions."